

United States Environmental Protection Agency

Region II

POLLUTION REPORT

Date: Sunday, September 18, 2011

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Subject: Thermal Reduction of Confiscated Pyrotechnics and Disposal of Residue
FINAL RV1
Carolina Pyrotechnics
Easy Storage Mini-Warehouse, Carolina, PR
Latitude: 18.3828000
Longitude: -65.9578000

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|--------------------------|--------------|----------------------------|----------------|
| POLREP No.: | 3 | Site #: | A226 |
| Reporting Period: | | D.O. #: | DO#19 |
| Start Date: | 9/14/2009 | Response Authority: | CERCLA |
| Mob Date: | 9/13/2009 | Response Type: | Emergency |
| Demob Date: | 3/18/2010 | NPL Status: | Non NPL |
| Completion Date: | 9/14/2011 | Incident Category: | Removal Action |
| CERCLIS ID #: | PRC200400430 | Contract # | EP-S2-05-01 |
| RCRIS ID #: | | | |

Site Description

On September, 9, 2009, the Puerto Rico Police Department (PRPD) confiscated approximately 56,000 pound of pyrotechnics in a self-storage warehouse in Carolina, PR. The PRPD communicated the information to the US Customs and Border Protection (CBP) which in turn discovered additional shipments totaling 25,000 pounds of pyrotechnics in the bonded warehouse in Guaynabo. Closer inspection by UXO ordinance experts revealed the presence of unapproved/forbidden explosives inside shipping packaging that was not within specifications for 1.4G and 1.3G pyrotechnics. Furthermore, the US Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Hazardous Materials Enforcement espoused the position that some of the fireworks wire illegitimate reproductions of legal products and as such not authorized for manufacture or shipment, and that the EX numbers used for shipment could not be verified. The PHMSA did not issue a special permit for transport to CONUS and requested that the items be destroyed on the island of Puerto Rico.

Current Activities

Due to the nature and storage condition of the fireworks, EPA, CBP, DOT and the PRPD agreed that the pyrotechnics stored at the CBP warehouse posed an imminent and substantial endangerment. During a meeting on September 24, 2009, DOT discounted the possibility of shipping the unapproved pyrotechnics to CONUS using commercial transportation, at which time CBP and the PRPD requested assistance from EPA for disposal of the pyrotechnics. After exhausting all possibility of shipping the pyrotechnics to CONUS for disposal, EPA employed the regulatory exemption for "Immediate Response" found at 40 CFR 265.1(c)(11) and made arrangements for controlled burning of the pyrotechnics in a location recommend by the PRPD for its remote location and its status as a quarry with an active ATF permit for explosives.

The EPA coordinated with Canteras Master Aggregates to carry out a controlled burn of the pyrotechnics at their Caguas quarry. EPA re-mobilized the Emergency Rapid Response Services (ERRS) contractor and a UXO subcontractor on October, 10, 2009 to conduct the disposal of the off-spec portion of the pyrotechnics confiscated by PRPD and the totality of the pyrotechnics confiscated by CBP (all of which was considered off-spec).

EPA re-mobilized the Emergency Rapid Response Services (ERRS) contractors and a UXO subcontractor on October 10, 2009 to conduct the disposal of the CBP confiscated pyrotechnics along with the PRPD confiscated pyrotechnics (off-spec only).

The ERRS contractor performed the following tasks in support of the controlled burning:

- Issued an Invitation for Bid (IFB) and secured the subcontract for an EOD crew
- Mobilized personnel, equipment and conducted intitial site set up
- Subcontracted site security for temporary storage of the pyrotechnics initiating explosives
- From October 14 - 19, 2009, ERRS performed a controlled burn of the materials (40,000 lbs total) including all of the CBP pyrotechnics and the PRPD pyrotechnics deemed non-transportable
- Excavated and staged contaminated ash
- Sample and analysis of the excavated soil/ash and the the burn site after removal
- Issued IFB and secured subcontracted disposal facility
- From March 15 - 17, 2010, transportation and disposal of 137 tons of non-hazardous ash and stained soils (TPH) from the quarry to a disposal facility, the Catano Pyrotechnics portion of this disposal was 85.77 tons, the other 51.46 tons were carried out by the Carolina Pyrotechnics Removal Action
- Demobilization of personnel on March 18, 2010
- Close out with Canteras Master Aggregate on March 19, 2010

In addition to ERRS activities, The EPA Emergency Response Team (ERT) conducted air monitoring during the burn and the Removal Support Team conducted the pre- and post-removal sampling, and the disposal sampling.

At EPA's direction ERRS issued a subcontract to store the remaining 41,000 pounds of pyrotechnics at a quarry site in Manati which possessed an ATF approved magazine and security while EPA explore more environmentally friendly disposal actions. The Manati facility was selected in consultation with ATF after determining that it complied with all federal and commonwealth requirements, and that it was in good standing.

The controlled-burning of the remaining 41,000 pounds of pyrotechnics was considered to be a last

resort due to the large amounts of smoke and noise generated from the event, along with the transportation of 137 tons of non-hazardous ash and stained soils (TPH) from the quarry to a disposal facility. In addition, EPA has a RCRA order in place with the PRPD for pyrotechnics disposal, which EPA did not want to undermine or set an unwanted precedent. After negotiations with the US DOT for shipment of the remaining pyrotechnics to CONUS were unsuccessful, EPA made arrangements for controlled-burning of the 41,000 pounds at another quarry, this time in Yabucoa, PR. The controlled-burning was set for September, 2010, during which ERRD made a final appeal to the US DOT with improved shipping safety precautions and to preclude a bad precedent that controlled burning created among the regulated community. The US DOT opened the door for shipment under certain conditions. The controlled-burning was put on hold while ERRS placed invitation for Bids (IFBs) to commercial transportation firms to see if they could meet the stipulated shipping requirements. The original requirements requested by US DOT could not be met, so a new haul distance requirement was negotiated with US DOT and conveyed to ERRS for a new IFB.

During this time period, the pyrotechnics stored at the Manati facility were stolen. According to the Puerto Rico Police Department (PRPD) at approximately 8:30 P.M. October 8, 2010, three masked men with rifles broke into the magazine area of the quarry in Manati. The guard at the quarry alleges that he was surprised, overpowered, blindfolded and tied up. The thieves cut the locks on two fences, then commandeered one tractor (prime mover) on site and brought two additional tractors to haul away three each 40-foot semitrailers containing the 41,000 pounds of confiscated pyrotechnics which were about to be shipped by ERRS to the US mainland for disposal. Notifications were made to EPA CID, FBI and BATFE. The PRPD led the investigation; however the EPA assigned an investigator from the Office of Inspector General (OIG) to the case. On November 12, 2010, the OIG Special Agent closed out the complaint on the pyrotechnics case.

Planned Removal Actions

None.

The removal action remained open while the PRPD continued the investigation in case portions of the stolen pyrotechnic material was recovered. The EPA OSC would periodically check with the law enforcement agencies to determine if new leads had surfaced in the investigation. On September 14, 2011, the EPA OSC contacted the PRPD and ATF to confirm that no pyrotechnics had been recovered. EPA was further informed that due to a lack of new evidence, the status of the investigation was not expected to change at which time the removal was considered complete.

Next Steps

Continue to monitor local enforcement efforts to establish disposal mechanisms for confiscated pyrotechnics as per a RCRA order.

Estimated Costs *

| | Budgeted | Total To Date | Remaining | % Remaining |
|---------------------------|-----------------|----------------------|------------------|--------------------|
| Extramural Costs | | | | |
| ERRS - Cleanup Contractor | \$350,000.00 | \$300,632.02 | \$49,367.98 | 14.11% |

| | | | | |
|-------------------------|--------------|--------------|-------------|--------|
| TAT/START | \$50,000.00 | \$34,231.98 | \$15,768.02 | 31.54% |
| Intramural Costs | | | | |
| | | | | |
| Total Site Costs | \$400,000.00 | \$334,864.00 | \$65,136.00 | 16.28% |

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

Disposition of Wastes

15,000 pounds of off-spec pyrotechnics were disposed by controlled burning. 51.46 tons of non-hazardous TPH-contaminated, and/or stained soils were sent to a land fill for disposal.

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